

Notice of Allowability

Application No.

09/855,558

Examiner

Mark Fadok

Applicant(s)

TUTTRUP ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/12/2007.
2. ☒ The allowed claim(s) is/are 2-4,8,13-27,29-32,34,36-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/12/2007, 8-23-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/29/2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Response to Election

The examiner is in receipt of responses to restriction requirement mailed 9/6/2006, which were received 1/12/2007. Acknowledgement is made to the amendment to the specification, which is hereby entered, along with the amendment to claims 26 and 31-34. After an interview with Ms. Yu-Jahnes on 3/29/2007 an amendment was agreed upon that indicated allowable subject matter as described below:

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Lock See Yu-Jahnes on 3/29/2007.

Replace the amendment 1/12/2007 with the following:

1. (canceled).
2. (currently amended): A method according to Claim ~~[[1]]~~ 36, wherein one or more of the multiple goods ~~[[are]]~~ is ordered via the Internet.

3. (currently amended): A method according to Claim [[1]] 36, further comprising a step of notifying the given a customer when ~~[[the]]~~ an order is available for pick-up.

4. (currently amended): A method according to Claim [[1]] 36, wherein a customer or a customer's agent retrieves a collection of goods from ~~the vender from the~~ a local pick-up point.

5. (canceled).

6. (canceled).

7. (canceled).

8. (currently amended): A method according to Claim [[5]] 36, further comprising: ~~the~~ a step of enabling a customer selecting to select from among options relating to ~~[[the]]~~ a pick-up point customized based on ~~the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

9. (canceled).

10. (canceled).

11. (canceled).

12. (canceled).

13. (currently amended): An apparatus for controlling delivery of goods from multiple vendors to a plurality of customers, the apparatus comprising:

means for receiving orders for multiple goods from a plurality of customers;

means for determining, for each of the multiple goods, whether the good is currently available at a local pick-up point geographically close to an ordering customer, and treating each such good separately depending on whether the good is currently available at the local pick-up point, as follows:

(i) in a case where the good is currently available at the local pick-up point, ear-marking that good for the ordering customer, and

(ii) in a case where the good is not currently available at the local pick-up point, fulfilling the ordering customer's order by causing the good to be shipped to the local pick-up point in a shipping order in combination with goods ordered by those from among the plurality of customers who are geographically close to respective local pick-up points; and

means for coordinating with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

14. (original): An apparatus according to Claim 13, wherein the orders are received via the Internet.

15. (currently amended): An apparatus according to Claim 13, wherein a customer or a customer's agent retrieves a collection of goods from ~~[[the]]~~ a local pick-up point.

16. (currently amended): An apparatus according to Claim 13, further ~~including~~ comprising:

means operable to allow ~~[[the]]~~ a customer to select from among options relating to ~~[[the]]~~ a pick-up point customized based on ~~the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

17. (currently amended): A system, ~~having~~ usable by multiple vendors, for allowing the multiple vendors to consolidate shipping of goods to customers, each vendor having an apparatus comprising:

means for receiving orders for multiple goods from a plurality of customers;

means for determining, for each of the multiple goods, whether the good is currently available at a local pick-up ~~points~~ point geographically close to an ordering ~~customers~~ customer, and treating each such good separately depending on whether the good is currently available at a geographically close local pick-up ~~points~~ point, as follows:

(i) in those cases where the good is currently available at a geographically close local pick-up ~~points~~ point, ear-marking that good for the ordering customer, and

(ii) in those cases where the good is not currently available at the geographically close local pick-up ~~points~~ point, fulfilling the ordering customer's order by causing the good to be shipped to ~~[[a]]~~ the geographically close local pick-up point in an individual shipping order in combination with goods ordered by those from among the plurality of customers who are geographically close to ~~respective~~ the local pick-up ~~points~~ point; and

means for coordinating with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

18. (original): A system according to Claim 17, wherein the multiple vendors' apparatuses are connected on a network.

19. (original): A system according to Claim 18, wherein the network is the Internet.

20. (currently amended): A system according to Claim 17, wherein a customer or a customer's agent retrieves a collection of goods from ~~the respective~~ a local pick-up point.

21. (currently amended): A system according to Claim 17, wherein each vendor's apparatus further comprises:

means operable to allow ~~[[the]]~~ a customer to select from among options relating to ~~[[the]]~~ a pick-up point customized based on ~~the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

22. (currently amended): A shopping server on a network including a plurality of vendor servers corresponding to a plurality of vendors, and a plurality of customer client terminals corresponding to a plurality of customers, the shopping server being operable to:

receive orders from a customer terminal for purchase of multiple goods;
for each of the multiple goods, communicate with one of a plurality of local pick-up points in proximity to ~~[[the]]~~ a customer who ordered the good, to determine if the good is currently available at ~~[[the]]~~ a local pick-up point, and~~[[,]]~~ treating each such good separately depending on whether the good is currently available at the local pick-up point, as follows:

(i) if the good is currently available at the local pick-up point, communicate with one of the vendor servers to ear-mark that good for the customer who ordered the good, and

(ii) if the good is not currently available at the local pick-up point, communicate with one or more of the vendor servers to cause the good to be shipped to the local pick-up point; and

coordinate with the plurality of vendors servers so as to arrange for shared shipping of ordered goods when respective ones from among the plurality of vendors have received orders to be sent to identical local pick-up points.

23. (original): A shopping server according to Claim 22, wherein the network is the Internet.

24. (currently amended): A shopping server according to Claim 22, wherein a customer or a customer's agent retrieves a collection of goods from ~~[[the]]~~ a local pick-up point.

25. (currently amended): A shopping server according to Claim 22, wherein the shopping server is further operable to:

allow ~~[[the]]~~ a customer to select from among options relating to ~~[[the]]~~ a pick-up point customized based on ~~the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

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26. (currently amended): A system, having multiple vendors, for allowing the multiple vendors to consolidate shipping of goods to fulfill customer orders received over a network, each vendor having a network server operable to:

receive orders for multiple goods from a plurality of customers;

determine, for each of the multiple goods, whether the good is currently available at a local pick-up points point geographically close to an ordering customers customer, and treat each such good separately depending on whether the good is currently available at the geographically close local pick-up points point, as follows:

(i) in those cases where the good is currently available at the geographically close local pick-up points point, ear-marking that good for the ordering customer, and

(ii) in those cases where the good is not currently available at the geographically close local pick-up points point, fulfilling the ordering customer's orders order by causing the good to be shipped to [[a]] the geographically close local pick-up point in an individual shipping order in combination with goods ordered by those from among the plurality of customers who are geographically close to respective the local pick-up points point; and

coordinate with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

27. (original): A system according to Claim 26, wherein the network is the Internet.

28. (canceled).

29. (currently amended): A system according to Claim 26, wherein a customer or a customer's agent retrieves a collection of goods from ~~[[the]]~~ a local pick-up point.

30. (currently amended): A system according to Claim 26, the network server being further operable to allow ~~[[the]]~~ a customer to select from among options relating to ~~[[the]]~~ a pick-up point customized based on ~~the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

31. (currently amended): A computer-readable medium storing computer code that when executed causes a computer to perform a method for controlling delivery of goods from multiple vendors, wherein the method comprises:

receiving orders for multiple goods from a plurality of customers;

determining, for each of the multiple goods, whether the good is currently available at a local pick-up point geographically close to ~~[[the]]~~ an ordering customer, and treating each such good separately depending on whether the good is currently available at the local pick-up point, as follows:

(i) in a case where the good is currently available at the local pick-up point, ear-marking that good for the ordering customer, and

(ii) fulfilling the ordering customer's order by, in a case where the good is not currently available at the local pick-up point, causing the good to be shipped to the local pick-up point in a single shipping order in combination with goods ordered by those from among the plurality of customers who are geographically close to respective local pick-up points; and

coordinating with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

32. (previously presented): A computer-readable medium according to Claim 31, wherein the network is the Internet.

33. (canceled).

34. (currently amended): A computer-readable medium according to Claim 31, wherein the method further comprising code to allow the allowing a customer to select from among options relating to ~~[[the]]~~ a pick-up point customized based ~~on the basis of the~~ a type of ~~[[items]]~~ item ordered~~[[,]]~~ and/or ~~[[the]]~~ a pick-up capability of the customer.

35. (canceled).

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36. (new) A method for allowing multiple vendors to consolidate shipping of goods to customers, comprising steps of:

receiving orders for multiple goods from a plurality of customers;

determining, for each of the multiple goods, whether the good is currently available at a local pick-up point geographically close to an ordering customer, and treating each such good separately depending on whether the good is currently available at a geographically close local pick-up point, as follows:

(i) in those cases where the good is currently available at a geographically close local pick-up point, ear-marking that good for the ordering customer, and

(ii) in those cases where the good is not currently available at a geographically close local pick-up point, fulfilling the ordering customer's order by causing the good to be shipped to a geographically close local pick-up point in an individual shipping order in combination with goods ordered by those from among the plurality of customers who are geographically close to respective local pick-up points; and

coordinating with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

37. (new): An apparatus according to Claim 13, further comprising means for notifying a customer when an order is available for pick-up.

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38. (new): A system according to Claim 17, wherein the apparatus further comprises means for notifying a customer when an order is available for pick-up.

39. (new): A shopping server according to Claim 22, wherein the shopping server is further operable to notify a customer when an order is available for pick-up.

40. (new): A system according to Claim 26, wherein the network server is further operable to notify a customer when an order is available for pick-up.

41. (new): A computer-readable medium according to Claim 31, wherein the method further comprises notifying a customer when an order is available for pick-up.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 2-4,8,13-27,29-32,34,36-41 are allowable.

The following is an Examiner's statement of the reasons for allowance for all independent claims.

The following is an Examiner's statement of the reasons for allowance for all independent claims 13,17,22,26,31, and 36.

The present invention is directed a system, method and computer readable medium for consolidating shipments from a plurality of vendors through the coordination of same with the vendors. Inter alia, coordinating with the multiple vendors so as to arrange for shared shipping of ordered goods when respective ones from among the multiple vendors have received orders to be sent to identical local pick-up points.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent 6,970,825 to Altendahl teaches a method for planning shipments. Altendahl, however, fails to render the above-mentioned application's limitations obvious.

(ii) US Patent 6,336,100 to Yamada teaches a method for delivering product to a location local to the customer. Yamada, however, fails to render the above-mentioned application's limitations obvious.

(iii) US Patent 5,890,136 to Kipp teaches a method for directing a product to an appropriate pick up area. Kipp, however, fails to render the above-mentioned application's limitations obvious.

(iii) US PG PUB 2001/0042023 to Anderson et al teaches a method ordering and

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tracking products. Anderson, however, fails to render the above-mentioned application's limitations obvious.

(iii) US PG PUB 2002/0077937 to Lyons et al teaches a method for designating pickup locations. Lyons, however, fails to render the above-mentioned application's limitations obvious.

Foreign Patent Documents

(iv) JP 10134300 teaches a method for optimizing delivery; however, JP 10134300 fails to render the application's above-mentioned limitations obvious.

(iv) EP 1235407 to Arora et al teaches a method for controlling the delivery or content; however, Arora fails to render the application's above-mentioned limitations obvious.

(iv) WO 02/091700 to Goldberg et al teaches a method for tracking session usage of a cell phone; however, Goldberg fails to render the application's above-mentioned limitations obvious.

Non-Patent Literature

(v) Gooley teaches managing logistics and consolidating deliveries. Gooley, however, does not render the application's above-mentioned limitations obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300

[Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'M a F', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner